

Protocol for Offering a Home and Community-based Services (HCS) Crisis Diversion Slot

The number of offers for an HCS Crisis Diversion slot made each month is based on budgetary guidelines in accordance with the legislative allocation for the biennium.

A. Purpose:

Texas Health and Human Services (HHS) may offer an HCS Crisis Diversion slot to an individual with an intellectual or developmental disability:

- Who is determined to be at imminent risk of admission to an institution as defined in Section B;
- Who is, as specified in the HCS Medicaid Waiver application:
 - An individual at risk of institutionalization;
 - An individual at risk of institutionalization in a state supported living center (SSLC); or
 - An individual leaving a state hospital who is at risk of re-institutionalization; and
- Who meets the qualifications for the HCS Reserve Capacity Group for Crisis Diversion as described in Section C.

B. Definition of Imminent Risk of Admission to an Institution:

An individual is at imminent risk of admission to an institution if one or more of the following exists:

- Loss or incapacity of the individual's primary caregiver;
- Loss of the individual's placement in a community residential facility;
- The individual exhibits repeated and severe behavior disturbances that jeopardize the individual's safety or current living arrangement, but does not need:
 - Inpatient mental health treatment; or
 - Care in a behavioral health facility, such as, Texana Center's Behavior Treatment and Training Facility or Bayes Achievement Center; or
- The individual is recommended for discharge from a state hospital and unable to return to family or community-based care.

C. Qualifications for the HCS Reserved Capacity Group for Crisis Diversion:

An individual qualifies as a member of the HCS Reserved Capacity Group for Crisis Diversion if:

- The individual is at imminent risk of admission to an institution as defined in Section B;
- The individual is not being court-committed to a facility for competency evaluation, such as an SSLC or state hospital;
- Adequate and appropriate community resources are not available as evidenced by attempts to locate and utilize community-based services and supports, such as community intermediate care facilities for individuals with intellectual disabilities or related conditions (ICF/IID), general revenue-funded services, Community First Choice services, Crisis Intervention Services, other Medicaid waiver programs, or for a minor, supports through the local school district; and
- The individual meets the criteria for ICF/IID level of care (LOC) I. Individuals must have an LOC I, which requires either a diagnosis of intellectual disability (ID) or related condition (RC). Along with the diagnosis of an RC, the individual's intelligence quotient (IQ) score must be below 76. The specific requirements for LOC I are located in the ICF/IID Contracting rules, 40 Texas Administrative Code (TAC), Chapter 9, Subchapter E, specifically [§9.238](http://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=1&ch=9&rl=238) (see [http://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=1&ch=9&rl=238](http://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=1&ch=9&rl=238)). **NOTE:** Individuals who only meet the criteria for ICF/IID LOC VIII are not eligible.

D. Process:

- The local intellectual and developmental disability authority (LIDDA) conducts an interview with the individual and legally authorized representative (LAR) or an actively involved person about the circumstances creating imminent risk of the individual's admission to an institution. The LIDDA provides an explanation of IDD services and supports.
- If the LIDDA determines the individual is at imminent risk of admission to an institution, as described in Section B, and meets the criteria for an ICF/IID LOC I, and that adequate and appropriate community resources are not available as evidenced by attempts to locate and utilize community-based services and supports, the LIDDA begins the process for requesting an HCS Crisis Diversion slot.
- The LIDDA requests an HCS Crisis Diversion Slot request to the designated staff person in the HHS IDD Services section by submitting a packet that includes:
 - A completed Request for HCS Crisis Diversion Slot [Form 1058](#);
 - A copy of the individual's Determination of Intellectual Disability (DID);
 - A copy of the individual's Inventory for Client and Agency Planning (ICAP) booklet/scoring sheet; and

- Other documents as appropriate.
- Upon receipt, designated HHS staff reviews the packet for completeness.
 - If the packet is incomplete, HHS staff will notify the LIDDA and arrange for additional necessary documentation to be submitted.
 - If the packet is complete, HHS staff will convene a meeting to discuss the request for an HCS Crisis Diversion slot with other staff persons of HHS IDD Services section and the HHS State Operated Facilities division, as appropriate.
- HHS staff will meet to discuss the request and determine whether the individual meets the qualifications for the HCS Reserved Capacity Group for Crisis Diversion described in Section C.
 - If it is determined the individual does not qualify, HHS, within one business day, will notify the LIDDA and the individual or LAR in writing of the denial of an HCS Crisis Diversion slot and provide the individual or LAR with an opportunity for an appeal through a fair hearing.
 - If it is determined the individual qualifies and a slot is immediately available, HHS will, within one business day, send a letter authorizing the LIDDA to offer the individual the opportunity to enroll in HCS.
 - If it is determined the individual qualifies, but a slot is NOT immediately available, HHS will notify the LIDDA within one business day that the individual qualifies, but a slot is not immediately available. HHS will maintain contact with the LIDDA until a slot becomes available, at which point HHS will send a letter authorizing the LIDDA to offer the individual the opportunity to enroll in HCS.
- The LIDDA initiates the enrollment process within three (3) working days of receipt of the authorization letter from HHS. The LIDDA is required to complete the enrollment process in accordance with the rules governing the HCS Program, specifically 40 TAC, §9.157 (Process of Enrollment of an Applicant) within the time frames required by Attachment A-6 of the LIDDA Performance Contract.
- If, while waiting for an offer of an HCS Crisis Diversion slot, HHS determines the individual no longer meets the qualifications for the HCS Reserved Capacity Group for Crisis Diversion as described in Section C, HHS will, within one business day, notify the LIDDA and the individual or LAR in writing of the denial of an HCS Crisis Diversion slot and provide the individual or LAR with an opportunity for an appeal through a fair hearing.